

CRAIG H. MISSAKIAN (CABN 125202)
United States Attorney

MARTHA BOERSCH (CABN 126569)
Chief, Criminal Division

ALETHEA M. SARGENT (CABN 288222)
ALEXANDRA SHEPARD (CABN 205143)
Assistant United States Attorneys

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
Alethea.Sargent@usdoj.gov
Alexandra.Shepard@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Case No. 23-CR-00269 JSW-3
)	
Plaintiff,)	UNITED STATES' OBJECTION TO
)	DEFENDANT'S REQUEST FOR
v.)	CLARIFICATION
)	
DEVON CHRISTOPHER WENGER,)	
)	
Defendant.)	
)	

In response to the Court's Order Resolving Government Objection to Defense Opening Statement Demonstratives (Dkt. 566), Defendant Wenger filed a "request for clarification" at 8:19 p.m., the night before opening statements are to be given. The plain language of the Court's order states that still photos taken from videos may not be used in opening statements. The government has substantially changed its slides to comply with the clear meaning of the Court's order.

Having not previously objected to anything in the government's slides, the defendant now seeks to use the Court's order to remove all photos from the opening slides. As the court is aware, the co-conspirators took photographs and exchanged them via text message, yet there appears to be no

1 relationship between the basis of the Court's order and these, and other, non-video-based photographs.
2 The government's understanding based on a review of the defendant's slides sent late last week is that
3 their proposed "clarification" would primarily affect the government's presentation.

4 The Court's order does not require clarification. The United States respectfully requests that the
5 Court continue to allow the parties to use photographs in the opening slides.

6
7 DATED: September 8, 2025

Respectfully submitted,

8 CRAIG H. MISSAKIAN
9 United States Attorney

10 /s/
ALETHEA SARGENT
11 ALEXANDRA SHEPARD
Assistant United States Attorneys
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28